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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,010	11/03/2003	Ronald D. Holliday	4234-000009	3686

27572	7590	08/17/2005	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C.			SANDY, ROBERT JOHN	
P.O. BOX 828				
BLOOMFIELD HILLS, MI 48303			ART UNIT	PAPER NUMBER

3677

DATE MAILED: 08/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/700,010

Applicant(s)

HOLLIDAY ET AL.

Examiner

Robert J. Sandy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31-34 and 42 is/are allowed.
- 6) ☒ Claim(s) 1-10, 13-30, 35-38 and 41 is/are rejected.
- 7) ☒ Claim(s) 11, 12, 39 and 40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/18/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9, 13-17, 19, 22-26, 28, 29, 35-38 and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Niles (U. S. Patent No. 1,099,759). Niles ('759) discloses the claimed retainer clip made of a flexible wirelike construction and having the claimed connecting section having a resilient extension (16), a support section, a resilient clamp having a clamping segment with an open loop (bent-in end portion shown in Fig. 2).

Claims 1, 18, 20, 21 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Nelsson (U. S. Patent No. 2,668,342). Nelsson ('342) discloses the claimed retainer clip (see Figures 1-9) made of a flexible wirelike construction and having the claimed connecting section, a support section, a resilient clamp having a clamping segment with an open loop (18).

Claims 1, 2, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Swenson (U. S. Patent No. 4,835,934). Swenson ('934) discloses the claimed retainer clip in figures 1-5, including the actuating segment (22) connected to the clamping segment(18).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-9, 13-17, 19, 22-26, 28, 29, 30, 35-38 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niles (U. S. Patent No. 1,099,759). (concerning claim 30) Niles (759) discloses the claimed clip except for wherein the wirelike construction having a cross-section with a diameter of around 0.080 inch. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have made the clip having a wire diameter of around 0.080 inch since selecting a wire diameter size of an article is generally with routine skill in the art.

Allowable Subject Matter

Claims 11, 12, 39 and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Regarding claim s 11 and 12, the prior art of record fails to teach or suggest the retainer clip further including wherein the actuating segment having an upwardly extending open loop. Regarding claims 39 and 40, the prior art of record fails to teach or suggest a combination of elements comprising the retainer ring and the stack of rings.

Claims 31-34 and 42 are allowed.

The following is an examiner's statement of reasons for allowance: Regarding claims 31-34 and 42, the prior art of record fails to teach or suggest a method of securing together a plurality of rings in a stack for handling, by providing a flexible wirelike retainer clip having an elongated connecting section for securing the rings in the stack, a support section located at the lower end of the connecting section for receiving and supporting one end of the stack of rings, and a resilient clamp section located at the opposite upper end of the connecting section and being flexibly movable to facilitate movement over the opposite end of the stack of rings to resiliently engage the opposite end of the stack of rings to retain them with pressure against the support section and being flexibly movable away from the opposite end of the stack of rings to permit removal of the rings from the stack

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 571-272-7073. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ROBERT J. SANDY
PRIMARY EXAMINER

Robert J. Sandy
Primary Examiner
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